

**Recommended Conditions of Approval - Special Development Permit /Use Permit**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development without a public hearing, major changes may be approved by the Planning Commission at a public hearing.
- B. The Conditions of Approval shall be reproduced on the front page of the plans submitted for a building permit for this project. The green building checklist shall also be included on with the conditions of approval.
- C. The Design Review shall be null and void two years from the date of approval at a public hearing by the final review authority if the approval is not exercised. The project may request up to two separate one-year extensions prior to expiration of the approval. The applicant may also entitle the project for a total of seven years inclusive of the original approval and extension time periods with a minimum payment of 25% of the traffic impact fee.
- D. Prior to the issuance of a building permit for construction of any building or parking structure a parcel map shall be approved by the Director of Public Works that finalizes the campus parcel lines as two parcels. The parcels shall be 43.215 acres and the other parcel 2.675 acres.
- E. Prior to issuance of a building permit for Building 6 or Parking Structure C a lot line adjustment or other equivalent instrument shall be finalized to remove lot lines that conflict with building footprints.
- F. The developer shall work with the Santa Clara County Transit District in establishing bus stops, shelters, pads and turnout locations, if desired by the District along Crossman Avenue. Plans shall be finalized prior to the issuance of a building permit for any building.
- G. Submit an updated TDM plan prior to the issuance of a buildings permit for a new main building. The plan is subject to review and approval of the Director of Community Development.
- H. The boundaries or extent of work for each subsequent building constructed within the Master Plan is subject to review and approval

by the Director of Community Development for site improvements not specifically required at a particular time within this permit.

**2. COMPLY WITH OR OBTAIN OTHER PERMITS**

- A. Obtain necessary permits from the Department of Public Works for all proposed off-site improvements.
- B. Obtain approval from the Crime Prevention Division of Public Safety Department for crime prevention measures appropriate to the proposed development prior to issuance of a Building permit. Incorporate Public Safety alarm ordinance requirements into the final design.

**3. ENVIRONMENTAL MITIGATION MEASURES**

- A. The project is subject to project specific environmental mitigations identified in the mitigated negative declaration related to potentially significant impacts to the local transportation system in regards to the level of service for the intersection of Caribbean Drive and Crossman Avenue. The specific requirements are outlined below:

**1. Traffic Mitigation Turn Pocket Extension**

What and Where: Crossman Avenue and Caribbean Drive intersection left turn pocket onto Crossman Avenue. Extend queuing length of turn pocket by 175 feet.

How: The developer shall improve the street section for the left turn pocket extension of 175 feet to City of Sunnyvale specifications. Approval of an encroachment permit is required for the construction.

When: The improvement shall be constructed prior to occupancy of the first building developed in the campus other than a parking structure or building #4.

Who: The City will require this improvement as a condition of approval of the Design Review and it is to be indicated on the public improvement plans for the construction of the project prior to its issuance of a permit for construction of a new building.

**2. Traffic Mitigation Double Left Turn Lane**

What and Where: Crossman Avenue and Caribbean Drive intersection left turn pocket onto Crossman Avenue. Level of Service improvements, specific recommendation is for a double left turn lane onto Crossman Avenue.

How: The developer shall improve the street section and modify signal timing for a double left turn lane or other similar level of service improvement designated by the City of Sunnyvale Transportation Manager. Coordination with Public Works Transportation Division and approval of an encroachment permit is required for the improvements.

When: The improvement shall be constructed prior to occupancy of the second building developed in the campus other than a parking structure and building #4. This improvement may be done in conjunction with Mitigation #1 as well.

Who: The City will require this improvement as a condition of approval of the Design Review and it is to be indicated on the public improvement plans for the construction of the project prior to its issuance of a permit for construction of a new building.

B. The project is required to conform to the Moffett Park Specific Plan Program EIR Mitigation Monitoring Program. The following mitigation measures are the most relevant provisions associated with the proposed development and shall be addressed by the applicant prior to the issuance of building permit for construction of a building or a grading permit for construction mitigation requirements.

- Air Quality 3.2B; 3.2C
- Biological Resources 3.3A; 3.3D
- Geology and Soils 3.5A; 3.5B; 3.5C; 3.5D; 3.5F
- Hazards and Hazardous Materials 3.6C; 3.6E; 3.6F
- Hydrology and Water 3.7E
- Housing 3.10a
- Public Services 3.11
- Wastewater 3.13f1
- Energy conservation plan 3.13i

#### **4. GREEN BUILDING AGREEMENT**

- A. The approved project has targeted 30 LEED points for implementation in the proposed project. Each new building developed on the site is required to implement a minimum of 26 LEED points.
- B. Building permit plans shall include a sheet noting the green building features incorporated into the design subject to review and approval by the Director of Community Development. The plan sheet shall include notes on where specific provisions are included on which plan sets.
- C. Prior to the issuance of any building permit, a signed Green Building Agreement shall be submitted to the Planning Division for recording against the property identifying requirements for all new development to implement green building requirements and to maintain facilities in accordance with the installed green building techniques. The agreement is subject to review and approval by the Director of Community Development.
- D. Of the 30 targeted points, the educational program point may only be utilized one time towards the minimum requirement. Other points will be evaluated on a building by building basis for applicability.

**5. ART IN PRIVATE DEVELOPMENT**

- A. Comply with the art in private development requirements as noted in Sunnyvale Municipal Code Section 19.52.
- B. Submit an Art in Private Development application to the Director of Community Development for approval by the Arts Commission, prior to issuance of a Building permit.
- C. A bond, letter of credit, cash deposit or other similar security instrument for 1% of the construction valuation of the development project will be required prior to applying for a building permit. The bond will not released until completion and installation of the artwork requirement including related landscaping, lighting, base work and commemorative plaque.

**6. CC&R's (CONDITIONS, COVENANTS AND RESTRICTIONS)**

- A. Any proposed deeds, covenants, restrictions and by-laws relating to the parcel map are subject to review and approval by the Director of Community Development and the City Attorney.

**7. DESIGN/EXTERIOR COLORS AND MATERIALS**

- A. The plans shall be revised to be consistent with the Design Guidelines to provide the following:
  - 1. Each building shall include a "splash of color" or other accent as an identifying feature.
  - 2. Parking structures require additional detailing with focus on façades readily visible from the public streets. Accent features shall be incorporated into the upper levels of the garages. Features are to be of such a nature to require minimal maintenance to ensure an enduring design that does not degrade over time.
  - 3. Provide detailed vignette or plans for service area screening and outdoor dining areas
- B. Final exterior building materials and color scheme are subject to review and approval of the Planning Commission for the initial engineering building elevation prior to submittal for a building permit for the building.
- C. Final exterior building materials and color scheme of the three office buildings and second engineering buildings are subject to review and approval of the Director of Community Development prior to issuance of a building permit.
- D. Final exterior building materials and color scheme of the three parking structures are subject to review and approval of the Director of Community Development prior to issuance of a building permit.

- E. Prior to submittal for a building permit for the third main building on the site, exterior elevations, building materials, and color scheme for the amenity buildings shall be submitted for review and is subject to approval by the Director of Community Development. The amenity building is to be constructed in conjunction with the third main building built on site.

**8. EASEMENTS AND DEDICATIONS**

- A. Dedicate easement for reconstructed storm sewer line near Parking Structure B. Engineering approval of relocation required prior to issuance of building permits for Parking Structure B. Install these facilities per Department of Public Works requirements.

**9. EXTERIOR EQUIPMENT**

- A. Any modification or expansion of unenclosed uses are subject to review and approval by the Director of Community Development.
- B. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure.

**10. FEEES**

- A. Pay Traffic Impact fee estimated on a net increase of 507,606 square feet for an estimated impact fee of \$2,035,022.91 for fiscal year 2005-2006. (SMC 3.50) The fee may be paid at anytime prior to issuance of building permit and is subject to the fee in place at the time the payment is made. Proportional payment of the fee is required for each newly developed building on the site.
- B. Pay Housing Mitigation fee estimated at \$3,638,854.90 for 454,856 square feet above the 1997 General Plan levels. (SMC 19.22) The fee may be paid at anytime prior to issuance of building permit and is subject to the fee in place at the time the payment is made. At a minimum, a proportional payment of the fee is required for each newly developed building on the site and payment shall be made prior to issuance of said permit.

**11. FENCES**

- A. Design and location of any proposed fencing and/or walls are subject to the review and approval by the Director of Community Development.

**12. STORMWATER**

- A. An Impervious Surface Calculation worksheet for each phase and the final project is required to be completed and submitted for the California Regional Water Quality Control Board and a copy provided to the city prior to issuance of a Building permit.

- B. Prior to the issuance of a grading permit, a "Blueprint for a Clean Bay" shall be submitted and approved by the City.
- C. A final Stormwater Management Plan is subject to the review of the Director of Community Development prior to issuance of a building permit in conformance with 12.60 of the Sunnyvale Municipal Code, including third party certification of the final plan.
- D. Certified Stormwater plans must be recorded with the property deed. The owner is responsible for maintaining the stormwater BMPs.

**13. LANDSCAPING**

- A. Landscape and irrigation plans shall be submitted and are subject to approval by the Director of Community Development prior to issuance of a building permit. Landscaping and irrigation shall be installed prior to occupancy. The landscape plan shall include the following elements:
  - 1. Enhanced paving for pedestrian paths
  - 2. Provide pockets of interest along Crossman drive, may required removal of parking spaces.
  - 3. Work with staff to address shading and landscaping plans for rear patio areas of buildings, appears to be high intensity of hardscapes in these areas.
  - 4. Provide detailed specifications for bicycle parking and locations
  - 5. Note location of informational kiosks on site
- B. Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.
- C. Provide separate meter for domestic and irrigation water systems.
- D. Landscaping is required to utilized recycled water. Extensions of the system and connections to the site are at the expense of the applicant.
- E. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- F. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. Specific care for the pruning of the parking lot trees is required to ensure full canopy development to meet shading requirements.
- G. Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.

- H. Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
- I. At the expense of the applicant, City staff shall install required street trees of a species determined by the Public Works Department. Obtain approval of a detailed landscape and irrigation plan from the Director of Community Development (SMC 19.38.070) prior to issuance of a Building permit.
- J. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.

**14. TREE PRESERVATION**

- A. Prior to issuance of a Demolition Permit, a Grading Permit or a Building permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for review.
- B. The tree protection plan shall be installed prior to issuance of any Building permits, subject to the on-site inspection and approval by the City Arborist.
- C. The tree protection plan measures shall remain in place for the duration of construction. Phased implementation of protection may be approved by the Director of Community Development.
- D. The tree protection plan shall include measures noted in Sunnyvale Municipal Code Section 19.94.120 and at a minimum:
  - 1. An inventory shall be taken of all existing trees on the plan including the valuation of all ‘protected trees’ by a certified arborist, using the latest version of the “Guide for Plant Appraisal” published by the International Society of Arboriculture (ISA).
  - 2. All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
  - 3. Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
  - 4. Provide relocation and storage measures for trees to be replanted on site.
  - 5. Irrigation for protected trees shall be maintained during construction activities
- E. Provide a landscape plan overlay with civil plans, including utility lines, to ensure that the tree root system is not damaged.

**15. LIGHTING**

- A. Prior to issuance of a Building permit submit an exterior lighting plan, including fixture and pole designs, for approval by the Director of Community Development. Driveway and parking area lights shall include the following:
- B. Parking lot and garage lighting shall be of high pressure sodium vapor or of equivalent energy efficient design. Pedestrian lighting may utilize metal halide or other high efficiency light type for white light coloring. High efficiency sodium vapor is preferred.
- C. On-grade light standards for parking areas shall not exceed 24 feet in total height. Parking Garage upper level lighting may be required to be of lower height to mitigate glare concerns upon final review by the Director of Community Development.
- D. Pedestrian scale lighting shall not to exceed 8 feet in height as measured from the ground to the bottom of the fixture if an overhanging light. Otherwise measured to the top of the standard for a total height.
- E. Provide photocells for on/off control of all security and area lights.
- F. All exterior security lights shall be equipped with vandal resistant covers.
- G. Wall packs shall not extend above the roof of the building.
- H. Lighting shall be design to be directed downward.
- I. Prior to issuance of a Building permit submit a contour photometric plan for approval by the Director of Community Development. The plan shall meet the specifications noted in the Standard Development Requirements.

**16. ON-SITE AMENITIES**

- A. Design details of the amenity recreation areas to be reviewed by the Director of Community Development subject to approval of design, location and colors.
- B. On-site amenity features shall be accounted for in the stormwater management plan calculations.

**17. PARKING**

- A. Submit a revised parking and circulation plan to the Director of Community Development for review and approval prior to issuance of a Building permit that includes the landscape pockets of interest along the street. Plan shall indicate typical dimensions of parking spaces on grade and in parking structures, quantity of standard, compact, van pool, carpool, and accessible spaces.



- B. Submit a phasing plan of parking improvements prior to the issuance of a building permit for a new building subject to approval of the Director of Community Development.
- C. Specify compact parking spaces on the Building permit plans. All such areas shall be clearly marked prior to occupancy, as approved by the Director of Community Development.
- D. Specify preferential parking stalls in the first row of parking adjoining the buildings shall be reserved and so marked for pool vans capable of carrying at least eight people.
- E. Specify preferential parking spaces shall be reserved and so marked in the closest possible rows adjoining the building (allowing for visitor, disabled and pool van parking) for exclusive use by carpool vehicles carrying at least two employees per vehicle.

**18. BICYCLE PARKING**

- A. Provide a minimum of 137 (75% Class I/25% Class II) bicycle parking spaces per MPSP requirements and as approved by the Director of Community Development.

**19. RECYCLING AND SOLID WASTE**

- A. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval.
- B. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- C. The required solid waste and recycling enclosure shall match the design, materials and color of the main building.
- D. The enclosure shall be of masonry construction and shall match the exterior design, materials and color of the main building.
- E. All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic.

**20. Public Facility Improvements.**

- A. Obtain a Development Permit from the Department of Public Works for improvements.
- B. Curbs, gutters, sidewalks, streets, utilities, traffic control signs, electroliers (underground wiring) shall be designed, constructed and/or installed in accordance with City standards prior to occupancy. Plans are subject to review and approval by the Department of Public Works.
- C. Relocation of the line that is below the footprint of Garage B is required at the cost of the applicant. Prior to issuance of building permits for any buildings other than buildings along Crossman Avenue, requires a plan to be submitted for the relocation to the

Public Works Department. The plan is subject to their review and approval.

- D. Recycled water lines shall be extended to serve the site and connect to the irrigation system of the site at the sole expense of the applicant. Prior to issuance of building permits a plan shall be submitted to Public Works Department subject to their review and approval.
- E. Sanitary Sewer line upgrades are required along Crossman Avenue at the expense of applicant. Prior to issuance of building permits a plan shall be submitted to Public Works Department subject to their review and approval.

**21. SIGNS**

- A. All existing/new signs shall be in conformance with Sunnyvale Municipal Code and the MPSP for master sign program requirements.
- B. Separate building permits are required for signage.

**22. TRAFFIC/ROAD IMPROVEMENTS**

- A. Approval of detailed street improvements plan shall be obtained from Public Works and bonds posted prior to issuance of a Building permit.
- B. See Environmental Conditions of Approval for traffic improvements mitigations to Caribbean Drive.